

REMARKS

Claims 1-36 were presented for examination. The Examiner objected to claim 24 because of an informality. The Examiner rejected claims 1-11 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner rejected claims 1-36 under 35 U.S.C. 102 as being anticipated by Okamoto (USPN 4,709,335), and also as being anticipated by Goode (USPN 6,085,725). Claims 1-36 remain pending. No new matter is being introduced by this amendment.

In a telephone conference on August 7, 2003, the Examiner and Applicant agreed that the amended claims overcome the cited 102 rejections. The Examiner agreed to write up an interview summary.

Claim 24 has been amended to correct the informality.

Claim 1 was rejected under 35 USC 112, second paragraph, because it recites the limitation "the sensor", and the Examiner asserts that there is insufficient antecedent basis for this limitation in the claim. Applicant respectfully disagrees. A "first sensor" is disclosed earlier in claim 1: "a first sensor operable to determine a first characteristic of the vehicle indicative of whether the vehicle is in motion..." (the third element of claim). Thus, the term "the sensor" has antecedent basis when presented later in the claim.

Claim 1 has also been amended to correct a typographical error in the first element of the claim. The word "-selecting" has been deleted. Thus, the limitation "first and second governor" has antecedent basis in the first and second elements of the claim.

Claims 2-11 are dependent claims depending either directly or indirectly from claim 1. Thus, the amendment to claim 1 should also correct any 35 USC 112, second paragraph problem with claims 2-11.

It is respectfully urged that the subject application is in condition for allowance and allowance of the application at issue is respectfully requested.

Respectfully submitted,


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